

MR. [RICHARD B.] RUSSELL [of Georgia]: Mr. President, I demand a recapitulation of the vote.

THE ACTING PRESIDENT PRO TEMPORE: The Senator is entitled to have that done, and there will be a recapitulation. The clerk will call the names for the recapitulation.

The legislative clerk recapitulated the vote.

§ 41. Debate on Motion

When Motion is Debatable

§ 41.1 The motion to reconsider is debatable if the motion proposed to be reconsidered was debatable.

On Sept. 13, 1965,⁽⁸⁾ the House adopted House Resolution 506, providing for consideration of H.R. 10065, the Equal Employment Opportunity Act of 1965. There then occurred the discussion below, which suggests the circumstances under which a motion to reconsider may be debated:

MR. [WILLIAM M.] MCCULLOCH [of Ohio]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER:⁽⁹⁾ The gentleman will state it.

MR. MCCULLOCH: Mr. Speaker, was the previous question ordered on the question to adopt the resolution that has just been voted on?

THE SPEAKER: It was not.

MR. MCCULLOCH: Mr. Speaker, having voted in the affirmative. I now move that the vote by which House Resolution 506 was adopted be now reconsidered.

MR. [CARL] ALBERT [of Oklahoma]: Mr. Speaker, I move that that motion be laid upon the table.

MR. MCCULLOCH: Mr. Speaker, I ask for the yeas and nays.

THE SPEAKER: The question is on the motion offered by the gentleman from Oklahoma [Mr. Albert].

MR. [MELVIN R.] LAIRD [of Wisconsin]: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The Chair is in the process of counting.

Evidently a sufficient number have risen, and the yeas and nays are ordered.

MR. LAIRD: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state has parliamentary inquiry.

MR. LAIRD: Mr. Speaker, on the resolution just passed no one was allowed to debate that resolution on behalf of the minority or the majority. If this motion to table, offered by the gentlemen from Oklahoma [Mr. Albert] is defeated, then there will be time to debate the resolution just passed.

The question of reconsideration is debatable, and it can be debated on the merits of the legislation which has not been debated by the House.

THE SPEAKER: What part of the gentleman's statement does he make as a parliamentary inquiry?

MR. LAIRD: Mr. Speaker, if the motion to table is defeated, the motion to reconsider will give us an opportunity

8. 111 CONG. REC. 23608, 89th Cong. 1st Sess.

9. John W. McCormack (Mass.).

to debate the question on the resolution.

THE SPEAKER: Under the present circumstances, the motion to reconsider would be debatable.

MR. LAIRD: I thank the Speaker.

MR. McCULLOCH: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state his parliamentary inquiry.

MR. McCULLOCH: Mr. Speaker, what time would be allowed to debate the question and how would it be divided?

THE SPEAKER: It will be under the 1-hour rule and the gentleman from Ohio would be entitled to the control of the entire hour.

The Chair will restate the question on which the yeas and nays have been demanded and ordered.

The question is on the motion of the gentleman from Oklahoma [Mr. Albert] to lay on the table the motion to reconsider.

The question was taken; and there were—yeas 194, nays 181, not voting 57.

Senate Practice

§ 41.2 A Motion to reconsider is debatable under Senate rules. During the Senate debate of May 6, 1964,⁽¹⁰⁾ on H.R. 7152 (Civil Rights Act of 1963), Mr. Everett M. Dirksen, of Illinois, sought reconsideration of a tie vote on certain amendments and

10. 110 CONG. REC. 10201–03, 88th Cong. 2d Sess.

raised the following parliamentary inquiry:

MR. DIRKSEN: Mr. President, a parliamentary inquiry.

THE ACTING PRESIDENT PRO TEMPORE:⁽¹¹⁾ The Senator will state it.

MR. DIRKSEN: A motion to reconsider is a debatable motion, is it not?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct.

MR. DIRKSEN: So any Senator who wishes to discuss the motion to reconsider is at liberty to do so upon recognition?

THE ACTING PRESIDENT PRO TEMPORE: The Senator is correct. The Senator from Illinois has the floor.

§ 42. In General; Effect

The unanimous-consent request is a procedural device that is available both in the House and Committee of the Whole.⁽¹²⁾ The limitations on the application of unanimous-consent requests are primarily those imposed by the presiding officer in the exercise of his discretionary power to recognize Members.⁽¹³⁾ However, in at least one circumstance the Speaker is proscribed by rule from entertaining certain unanimous-consent requests.⁽¹⁴⁾ Also, unanimous

11. Lee Metcalf (Mont.).

12. See, generally, § 47, *infra*.

13. See, generally, §§ 44, 48, *infra*.

14. Rule XXXII clause 1, *House Rules and Manual* § 919 (1981). See also §§ 47.5, 47.6, *infra*.